App. F. IX-4

1930-31

File No. 82-30

Previous References
Genl 82-30/1-2 (Genl)

Serial Nos. 3 & 4

Later References
(4)
Genl 82-30/4-6
Genl 82-30—5-10.
" 82-30—11-14
" 83—30—15—18
" 82-30-19-22

General and Revenue Secretariat.

Serial Nos. Two

Part B for April 1931.

SUBJECT.

Filing an interpleader Suit in Connection with certain valuables deposited by the late Bindra Madhabrao of Dhar

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4, To the D.G. Customs
No. 66698 16.4.31

Letter that - his p.p. Bandobast here to be entrusted with filing of the Suit and as much he ought - & have been complied as to Costs

General and Revenue Secretariat | File No. of 193 .

Serial No.

Letter no A.c 1410-30-31 dated 16th March 1931 from the D.C Mysore Soliciting sanction of Govt for Rs 676-4-0 being the probable Cost of instituting an interplead Suit re: the box of valuables deposited the Sora Tk Treasury by the deceased Bindu Madhava char.

1) The facts of the Case have been clearly explained in para 6-12 of the note in Law file no 82-30 at 42 It was suggested in this office letter no. P. 393 dated 7.1.31 to file an interpleader Suit in a proper Court of law. The Probable Contents of the box is estimated to be about Rs 5000/- Hence the Suit will have to be instituted in Sub. Court B'lore as pointed out by the D.C. List of the Expenses to be incurred in filing the Suit is estimated to be 676-4-0 of Course this will have to be recovered when the suit is decreed according to Sec 85 and order 38 of the C. P. Code.

A dft G.O. sanctioning is put up for orders

ISD 19/3

2) Since the Suit is to be filed in the Sub-ct. Blore, the D.C. has to Consult the Pr as to the probable Cost rather than a lawyer at Madhugiri.

...TE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

435/1

File No. of 193 | General and Revenue Secretariat

The Court fee, of the value of the suit is Rs 5000/- is only Rs 350/- & not 362-8-0 as stated in the estimate. There is no need to get an order for Commissioner's fee. As pointed out in para 10 of the Land File 82-30 placed below, the box may be handed over to the Custody of the Court.

2) The fee payable to the Counsel in such cases cannot be advalorem. He has only to institute the suit & get an order as to costs at the first hearing under order 35 C.P.C. A fee of Rs 50/- may perhaps be more than ample.

If appd the D.C. will be informed accordingly.

Legal Rv

DMC
19.3.

Yes.
D.C. 19/4

Dft is put up according

ISD 8/4

Clean draft
DMC
8/4

Typed dft is put up.

ISD 8/4

may be approved

Legal Rv

Appd DMC 8/4
D.C. 19/4

Issue
DMC 11/4

General and Revenue Secretariat | File No. 7 of 193 .

Serial No.

To

The D.C. Tumkur

No. P. 6669 dated 16.4.31 informing me the Plr. Bangalore has to be entrusted with the filing of the Suit and as such he ought to have been Consulted as to costs

15/4/31

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

4387 of 30

No. Agric 1410 - 30-3

Enc. One only -

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, the 14th March *193* 1

Law 82-30-3

FROM

G. B. HEBLIKAR, ESQ., B.A., LL.B.,
Deputy Commissioner,
Tumkur District, Tumkur.

To

Profr

N. Madhava Rao, Esquire, B.A., B.L.,
.....

Chief Secretary to the Government of
H. H. the Maharaja of Mysore, Bangalore.

CHIEF SECRETARY
16 MAR 1931

SIR,

981
16/3

Law

2932

With reference to your letter No. 3935/Law 82-30-2 dated 7-1-1931, suggesting that an interpleader suit under Section 88 and order 35 of the Civil Procedure Code may be instituted in a proper court of law re: the box of valuables deposited in the - Sira Taluk Treasury by the deceased Bindumadhavachar, I have the honor to state that the estimated value of the probable contents of the box has been ascertained to be about Rs 5,000/-. The suit will have therefore to be instituted in the Sub Judge's Court, - Bangalore and the probable cost will be Rs 676-4-0. A list of the probable expenses to be incurred in this connection as obtained from Mr.S. Shamasastry, Counsel at Madhugiri is herein enclosed for reference.

I request that early sanction of Government may kindly be obtained for incurring the expenditure.

I have the honor to be,

sir,

Your most obedient servant,

for Deputy Commissioner,
Tumkur District.

AD. 14/3

List of expenses likely incurred
in ~~ab~~ instituting an interpleader
suit in the Sub Court at Bangalore

Institution fee on Rs 5200 —	Rs 362-8-0
Vakalatnama	-8-0
Defendants Summons	1-14-0
Application for appointment of a Commissioner	0-12-0
Warrant of Commission	-10-0
Commissioners fee (Probable) from Bangalore to Sura	50-0-0
Court Expenses	5-0-0
Pleaders — at 5 %	25-5-0-0
	Rs 676-4-0

Ramasastry
Pleaders
9/3/31

3

Law 82-30-4

No. 6669
16-4-31

To

The Deputy Commr. Tumkur.

Sir,

With ref. to your letter No.A.C.1410/30-31 dated 14th March 1931 regarding expenses of Rs. 676-4-0 to be incurred in connection with the filing of an interpleader suit to settle the dispute as to the box of valuables deposited in the Sira Taluk Treasury by the deceased Bindu Madhavachar, I am directed to state that the Public Prosecutor, Bangalore has to be entrusted with the filing of the suit and as such he ought to have been consulted as to costs. The court fee, if the value of the suit is Rs.5000 is only Rs.350 and not 362-8-0 as stated in the estimate. There is no need to get any order for commission etc., since the box may be given over to the custody of the court, after getting any order as to costs passed at the first hearing under order 35 C.P.Code. The fee payable to the Counsel in such cases cannot be advalorem. A fee of Rs.50, is in my opinion more than ample.

I have etc.,

Secy.to Govt., Law Dept.,

ISD

4

666 Rev.

13th April 1931.

16

The Deputy Commissioner
T u m k u r.

With reference to your letter No. A.C. 1410/30-31 dated the 14th March 1931 regarding expenses of Rs.676-4-0 to be incurred in connection with the filing of an interpleader suit to settle the dispute as to the box of valuables deposited in the Sira Taluk Treasury by the deceased Bindu Madhavachar, I am directed to state that the Public Prosecutor, Bangalore has to be entrusted with the filing of the suit and as such he ought to have been consulted as to costs. The court fees, if the value of the suit is Rs. 5,000 is only Rs. 350 and not 362-8-0 as -- stated in the estimate. There is no need to get any order for commission etc. since the box may be given over to the custody of the court, after getting an order as to costs passed at the first hearing under order 35 Civil Procedure Code. The fee payable to the Counsel in such cases cannot be advalorem - A fee of Rs. 50/- is in my opinion more than ample.

I have the honor to be,

Sir,

Your most obedient servant,

For Secretary to Government
Law Department.